

*The Town of Leesburg*  
MUNICIPAL GOVERNMENT CENTER  
25 WEST MARKET STREET

*AGENDA*

TOWN COUNCIL MEETING  
Tuesday, August 10, 2004  
7:30 p.m.  
Council Chambers

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- A. INVOCATION: Councilmember Hammler
- B. SALUTE TO THE FLAG: Brownie Troop #3765
- C. ROLL CALL – Mayor Umstattd arrived at 7:36 p.m.
- D. MINUTES:  
July 13, 2004, regular meeting  
**(The minutes were approved by a 7-0 vote with minor edits)**
- E. PRESENTATIONS:
- a. Brownie Troop #3765  
**Brownie Troop #3765 presented posters depicting their favorite things about Leesburg to the Council.**
  - b. Certificate of Appreciation – David Miles  
**On behalf of the entire Council, Mayor Umstattd presented the Certificate to Mr. Miles for his assistance to the Town Council.**
  - c. Proclamation – J. T. Hirst  
**Council asked that a copy of this resolution be sent to the Hirst Family.**
- F. PETITIONERS:  
**(There were 27 speakers)**
- G. PUBLIC HEARING:  
None
- H. COUNCIL COMMENTS:
- I. MAYOR'S COMMENTS:
- J. MANAGER'S REPORT:
- K. LEGISLATION:

**ORDINANCES**

**On a motion by Vice Mayor Martinez, seconded by Councilmember Burk, the following ordinance was approved by a 7-0 vote:**

1. **ORDINANCE  
2004-O-8**

Adopting various amendments to the Zoning Ordinance, Articles 3, 5, 6, 8, 9, 11, 12, 18.

**On a motion by Councilmember Burk, seconded by Councilmember Horne, the following ordinance was approved by a 5-2 vote; Councilmember Zoldos and Mayor Umstattd opposed:**

2. **ORDINANCE  
2004-O-9**

Amending the Subdivision and Land Development Regulations regarding purpose and intent, minor subdivision, boundary line adjustments, cluster subdivision process, preliminary development plan process, and large lot subdivisions.

**CONSENT AGENDA**

**On a motion by Councilmember Horne, seconded by Vice Mayor Martinez, the following Consent Agenda was approved by a 7-0 vote:**

3. **RESOLUTION  
2004-130**

Authorizing time extensions for completion of public improvements and approving performance guarantees for River Creek Phase III, Section 4; Phase V, Section 2; Phase V, Section 3; Phase V, Section 4; Phase VII, Section 2; Phase VII Section 3; Phase VII Section 4B; Potomac Sanitary Sewer Pump Station; Golf Course Facilities extension of watermain; and Golf Course Sanitary Sewer Crossing Fairways 11 & 12.

4. **RESOLUTION  
2004-131**

Authorizing a time extension for completion of public improvements and approving a performance guarantee for Kincaid Forest Section 12A.

5. **RESOLUTION  
2004-132**

Authorizing agreements and approving performance guarantees and water and sewer extension permits for River Creek Phase VII, Sections 4A and 4C to replace the agreement and corporate surety bond form Fidelity and Deposit Company of Maryland for River Creek Phase VII, Section 4.

6. **RESOLUTION  
2004-133**

Approving a license agreement for OnFiber Carrier Services – Virginia, Inc.

**REGULAR AGENDA**

**The following motion was withdrawn:**

7. **RESOLUTION**

Directing the Town Manager to expedite the completion of the Town Hall Addition on Loudoun Street.

**The following motion was removed from the agenda because the application was withdrawn:**

8. **RESOLUTION**

**TCA-2004-01, Potomac Station Mixed Use Center – Commuter parking lot.**

**On a motion by Councilmember Horne, seconded by Councilmember Burk, the following motion was approved by a 7-0 vote:**

9. **RESOLUTION**

**2004-134**

Making an appointment to the Standing Residential Traffic Committee – Ann Bollinger.

**On a motion by Councilmember Burk, seconded by Vice Mayor Martinez, the following motion was approved by a 7-0 vote:**

10. **RESOLUTION**

**2004-135**

Endorsing the proposed amendments to the Northern Virginia regional Commission Charter Agreement regarding the provision on representation and voting.

**On a motion by Councilmember Horne, seconded by Vice Mayor Martinez, the following motion was approved by a 7-0 vote:**

11. **RESOLUTION**

**2004-136**

Approving TLSE-2003-0004, Water Pollution Control Facility Expansion, 1391 East Market Street to expand existing sewage treatment plant.

L. **BOARDS AND COMMISSIONS**

a. Airport Commission – **Vice Mayor Martinez stated the User Group is planning an Open House for the Leesburg Executive Airport.**

b. Thomas Balch Library Commission – **No comment**

c. Board of Architectural Review – **No comment**

d. Cable Commission – **No comment**

e. Economic Development Commission – **No comment**

f. Environmental Advisory Commission – **Councilmember Burk stated the commission will bring forward the results of the watershed study at the next Council meeting.**

g. Information Technology Commission – **No comment**

h. Parks and Recreation Commission – **No comment**

- i. Planning Commission – **No comment**
- j. Tree Commission – **No comment**
- k. Standing Residential Traffic Committee – **It was announced that the Standing Residential Traffic Committee meeting has been moved to August 30 at 7:00 p.m.**

M. NEW BUSINESS

**a. Loudoun Street addition**

**On a motion by Mayor Umstattd, seconded by Councilmember Zoldos the following motion failed by a 3-4 vote; Vice Mayor Martinez and Councilmembers Burk, Horne and Kramer opposed:**

Directing Staff to direct the architect to suspend work on the Loudoun Street Addition.

**On a motion by Councilmember Hammler, seconded by Councilmember Zoldos the following motion failed by a 3-4 vote; Vice Mayor Martinez and Councilmembers Burk, Horne and Kramer opposed:**

Forming a working group to further explore the Town Hall Expansion project.

**b. Northeast Leesburg Street Improvements**

Council agreed to defer this issue to the September 14 Council Meeting.

**c. Amendment I investigation**

On a motion by Councilmember Zoldos, seconded by Councilmember Burk, and approved by a 6-0-1 vote (Martinez absent) Council agreed to cooperate with the investigation of the Police Department's response to a call for assistance in the downtown.

**d. Closed Session regarding the selection of a Town Manager**

**On a motion by Mayor Umstattd, seconded by Councilmember Kramer the following motion was approved by a 6-0-1 vote; Martinez absent:**

Pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, I move that the Leesburg Town Council convene in a closed meeting on Saturday, August 14 to consider a personnel matter, specifically the selection of a Town Manager.

**e. Closed Session to discuss a pending lawsuit – Paxton**

**On a motion by Mayor Umstattd, seconded by Councilmember Zoldos, the following motion was approved by a 7-0 vote:**

Pursuant to Section 2.2-3711(A)(7) of the Code of Virginia, I move that the Leesburg Town Council convene in a closed meeting for discussion of a legal matter: the Paxton lawsuit.

The Council convened in closed session at 11:13 p.m.

**Council reconvened in open session and the following motion was made by Mayor Umstattd, seconded by Vice Mayor Martinez, and approved by a 6-0-1 vote; Councilmember Burk absent:**

In accordance with Section 2.2-3712 of the Code of Virginia, I move that Council certify that to the best of each member's knowledge, only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act and such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by Council.

N. ADJOURNMENT

**The meeting adjourned at 12:00 a.m. on Wednesday, August 11.**